

# FARMINGTON CITY COUNCIL MEETING

Tuesday, June 20, 2006

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## **CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** began discussion at 5:00 P.M. The following items were reviewed:

### **Agenda Item #5: Public Hearing: Consideration of Resolution to amend the FY 06 Municipal Budgets; Adopt the FY 07 Municipal Budgets; Adopt a Compensation Schedule for City Officials and Employees; and Adopt a Proposed Property Tax Levy for Fiscal Year ending June 30, 2007**

**Keith Johnson** passed out a Budget Summary for the 2006 Amended Budget and for the 2007 Budget. He reviewed the changes that have been made to the budget since the last budget meeting. The revisions reflect the income and expenditures that have occurred through May 2006.

**Mr. Johnson** also passed out the Tax Rate which he reviewed with the Council members. Over the past year, property values have increased over 23%. The tax rate will decrease by approximately 9%.

**Sid Young** passed out budget information that was distributed by Park City to help citizens understand the budget. He thought Farmington could use the idea for distributing budget information to Farmington residents in the future.

### **Agenda Item #6: Public Hearing: Consideration of Ordinance Enacting Chapter 23 of the City's Zoning Ordinance Titled Professional Office (PO) Zone**

**Mayor Harbertson** said the City Council and certain Farmington residents have extensively reviewed the zoning text. The following items were discussed:

- Definition of the term "district".

**David Petersen** said the term "district" is used interchangeably with the term "zone". Both terms refer to an area. He reviewed the definitions that can be found in the dictionary, the City Ordinance, as well as from ordinances from other cities throughout the Country, and from information he obtained at conference he attended in 2004. He felt the City's Ordinance is acceptable since it is used as a singular term.

- The City Council reviewed Section 11-23-020. They agreed the second term "district" should be struck from the text.

- **Paula Alder** suggested that the zone title be changed to Office Professional (OP) zone.
- **Mayor Harbertson** said there are several numbering typos that need to be corrected.
- **Permitted Uses:** The Council agreed that health therapy offices are not an appropriate use in the OP zone. Family and marriage counseling services will be allowed so long as they are not related to drug, alcohol or sex therapies.
- **Sign Ordinance/Lighting:** The Council agreed that their motion should include a provision stating that the Sign Ordinance be amended to include the signage restrictions of the OP zone.
- The Council discussed Section 11-4-105(6). **Rick Dutson** was concerned that the Section may allow the zoning administrator to have too much power. The Council discussed the possibility of adding the language “*after consultation of the City Council*” and upon review of this issue with the City Attorney.
- The Council agreed to lower the maximum lot coverage from 50% to 40%.
- The Council agreed that at least 15% of the gross area of the site shall be landscaped. Upon review of the Planning Commission, the percentage may be increased due to such things as topographic conditions, parcel shapes and other conditions.
- The Council discussed whether the tree caliber should be larger than 2 inches. They agreed to keep it at 2 inches since larger trees may not grow as well and may not be cost effective.
- The Council discussed Section 11-23-080 and agreed to add the following language: “A masonry or architectural concrete wall or alternative visual barrier *or a combination of both to be approved by the Planning Commission...*”
- **Rick Dutson** suggested that the zone text state that the enclosure surrounding the dumpster area be painted inside and out with caps on the top of the wall. An architecturally attractive gate constructed of an appropriate material will also be required.

**Agenda Item #7: Public Hearing: Consideration of Ordinance to Amend the City’s General Plan by designating the area in the vicinity of north Main Street and the intersection of Northridge Road and Mountain Road and the Pilcher property from Public/Private**

**Recreation Open Space and/or Parks Very Low Density and Low Density Residential to Office Business Park and to further rezone this area from LR-F and A-F to PO-F**

**David Petersen** suggested that the Ordinance become effective when the site plan and conditional use permit are issued and when an agreement is executed between the City and UDOT.

**Agenda Item #8: Follow up to Previously Held Public Hearing: Consideration of Proposed Ordinance Amending Chapter 5 of Title 6 “Sexually Oriented Businesses”**

**Mayor Harbertson** reviewed the changes that were made to the proposed Ordinance amending Chapter 5 of Title 6 “Sexually Oriented Businesses.”

**Agenda Item #10; Request of City Council Members General Opinion of Feasability to Amend City’s General Plan north of Park Lane and South of Burke Lane in West Farmington to Permit Residential Single Family Development - Helge Nilsen**

**Mayor Harbertson** said **Mr. Nilsen** would like the Council’s input as to whether or not the Council would be in favor of amending the City’s General Plan to accommodate a single family residential subdivision on his property and that of Rick Johansen on the south side of Burke Lane west of I-15.

**Agenda Item #11: Minute Motion Approving Business of Consent**

It was determined that **Larry Haugen** and **David Hale** will serve on the committee to review Special Fire Code pertaining to fire sprinkling on residential properties.

**Agenda Item #12: Resolution to Amend the City’s Consolidated Fee Schedule to Enact Permit Fee for Sexually Oriented Businesses**

**Max Forbush** copied out a copy of the Fee Schedule for the Council’s review.

**Agenda Item #13: Agreement between City and Kirk Petersen setting forth findings for reduction of storm water impact fee on residential building permit fee and consideration of exchanging value of said fees for value of a storm water easement across Peterson’s property**

**Mayor Harbertson** suggested that the Council authorize him to sign the Agreement “as is”. If changes are needed after the Agreement is reviewed by **Mr. Petersen**, an amended Agreement will be presented for the Council’s review.

**Agenda Item #14: Memorandum of Understanding between City and Utah Division of Forestry, Fire and State Lands pertaining to Compensation of costs for City’s Fire**

**Department helping to fight on State or Federal Lands and to respond to any Compensable Incident where FEMA, State of Federal Dollars would Provide Reimbursement**

**Mayor Harbertson** said the purpose of the Agreement is to permit the City to be reimbursed should the City's Fire Department be called upon to assist on any fire on Federal or State lands or in an emergency which could be declared as a disaster where the City could obtain response monies from FEMA.

**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Daniel Barnett, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** called the meeting to order at 7:12 P.M. **Mayor Harbertson** offered the invocation. The Pledge of Allegiance was led by **Farmington Boy Scouts**

**ACKNOWLEDGMENT OF SERVICE OF REIGNING "MISS FARMINGTON" (LINDSEY ALLENBACH) / INTRODUCTION OF NEW "MISS FARMINGTON" (ALICIA JOHNSON) (Agenda Item #2)**

**Lindsey Allenbach (Miss Farmington 2005)** said she will attend the Miss Utah Pageant where she plans to implement her platform "Yes, America for Organ and Tissue Donation."

**Alicia Johnson (Miss Farmington 2006)** said her platform is "Eating Disorders and Self Esteem Improvement".

**APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #3)**

**Rick Dutson** moved to approve the minutes of the June 6, 2006, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative. **Sid Young** abstained due to his absence at the previous meeting.

**REPORT OF PLANNING COMMISSION (Agenda Item #4)**

**Kevin Poff** reported proceedings of the Planning Commission meeting held June 8, 2006. He covered the following items:

The Planning Commission tabled consideration of the applicant's request for a recommendation for schematic plan approval for the "Farmington Manor Subdivision" located at the east end of 1175 North Street in an LR zone.

The Planning Commission tabled consideration of the petitioner's request for a recommendation to amend the Bray Subdivision by vacating two existing lots and recording two smaller lots, and a parcel on the west side of the subdivision to be developed in the future. The subdivision is located at approximately 1950 North Compton Road.

The Planning Commission discussed Dan Nixon's storage unit proposal.

**David Petersen** said a committee has been formed to work with a Utah State intern to draft a street tree ordinance. **Rick Dutson** and **Sid Young** volunteered to serve on the committee.

**PUBLIC HEARING: CONSIDERATION OF RESOLUTION TO AMEND THE FY 06 MUNICIPAL BUDGETS; ADOPT THE FY 07 MUNICIPAL BUDGETS; ADOPT A COMPENSATION SCHEDULE FOR CITY OFFICIALS AND EMPLOYEES; ADOPT A PROPOSED PROPERTY TAX LEVY FOR FISCAL YEAR ENDING JUNE 30, 2007 (Agenda Item #5)**

**Max Forbush** passed out the Farmington City FY 06-07 Fiscal Year Budget Message to the members of the audience.

**Mayor Harbertson** commended **Keith Johnson** for receiving Financial Reporting Awards for the past four years. He said there will not be a property tax increase for the Farmington residents. Davis County submitted the tax rate which has decreased since the Farmington property values have increased.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing.

**Public Hearing Closed**

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Motion**

**David Hale** moved that the City Council adopt **RESOLUTION NO. 2006-37, A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR**

**ENDING 6-30-06; ADOPTING A MUNICIPAL BUDGET FOR FISCAL YEAR ENDING 6-30-07; ADOPTING A COMPENSATION SCHEDULE FOR CITY OFFICIALS AND EMPLOYEES AND ADOPTING A PROPOSED PROPERTY TAX LEVY FOR FISCAL YEAR ENDING 6-30-2007.** Sid Young seconded the motion. A roll call vote was taken, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE ENACTING CHAPTER 23 OF THE CITY'S ZONING ORDINANCE TITLE PROFESSIONAL OFFICE (PO) ZONE (Agenda Item #6)**

**Mayor Harbertson** reviewed the proposed changes that were discussed and agreed upon at the work session.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Kevin Poff** (Planning Commission Member/Farmington Resident) said he was in favor of the zone and felt it was appropriate for the property. At the Planning Commission meeting, he voted against the text since he did not think it was appropriate to recommend a zone that had not yet been finalized. He was also against the text since the five acre minimum size restriction would prevent the zone from being used City-wide.

**Sharon Treu** (931 Northridge Road) said she felt all of the issues were addressed by the Council. She requested that her email stating her concerns be entered into the minutes. She recommended that certain uses require City Council approval since it is a narrow zone.

**Matt Poulsen** (1732 North Main) said he felt the proposed zoning would be beneficial but suggested that the text require a traffic study since it will allow an office use near residential areas.

**Patricia Anderson** (671 Somerset Street) said she is pleased with the proposed zone text. She appreciates the Council considering her concerns which include the buildings having a residential look, screened parking, and restricted signage and lighting.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Paula Alder** suggested that the title be changed to Office Professional (OP) zone.

**Rick Dutson** suggested that the following language be added to Section 11-23-020: “*No other permitted uses are allowed unless approved by the City Council.*”

**David Petersen** said he would have the proposed language reviewed by the City Attorney to make sure that the boundaries between the Board of Adjustment and the City Council are not being crossed.

**Mayor Harbertson** said the Sign Ordinance will be amended to include the signage restrictions for the OP zone.

### **Motion**

**Sid Young** moved that the City Council adopt **ORDINANCE NO. 2006-38, AN ORDINANCE ENACTING CHAPTER 23 OF THE FARMINGTON CITY ZONING ORDINANCE TITLED “PROFESSIONAL OFFICE (PO) ZONE”** with the following amendments subject to the City attorney’s review as suggested by David Petersen.

- The zone shall be titled “Office Professional (OP) Zone”.
- The Sign Ordinance will be amended to include the signage restrictions for the OP zone.
- Health therapy offices will not be a permitted use.
- Marriage and family counseling services will be allowed excluding sex, drug and alcohol therapy.
- Drive-up service windows will not be allowed.
- No more than 40% of a lot in the OP zone shall be covered by buildings or structures.
- At least 15% of the gross area of the site shall be landscaped. Upon review of the Planning Commission, the percentage may be increased due to such things as topographic conditions, parcel shapes and other conditions.
- The enclosure surrounding the dumpster area shall be painted inside and out with caps on the top of the wall. The enclosure shall also include an architecturally attractive gate constructed of an appropriate material.
- Upon review and approval of the City Attorney, the following text shall be added to Section 11-23-030 and 040: “*and approved by the City Council.*”
- Section 11-23-020 shall read: “*The minimum district size of a PO zone shall be five (5) acres.*”
- Section 11-23-080 (g) shall read: “*A masonry or architectural concrete wall or alternative visual barrier (or a combination of both) as approved by the Planning Commission...*”
- The various numbering typos shall be corrected.

**Rick Dutson** seconded the motion. A roll call vote was taken which passed by unanimous vote.

### **PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND THE CITY’S**

**GENERAL PLAN BY DESIGNATING THE AREA IN THE VICINITY OF NORTH MAIN STREET AND THE INTERSECTION OF NORTHRIDGE ROAD AND MOUNTAIN ROAD AND THE PILCHER PROPERTY FROM PUBLIC/PRIVATE RECREATION OPEN SPACE AND/OR PARKS VERY LOW DENSITY AND LOW DENSITY RESIDENTIAL TO OFFICE BUSINESS PARK AND TO FURTHER REZONE THE AREA FROM LR-F AND A-F TO PO-F (Agenda Item #7)**

**David Petersen** displayed an overhead of the General Plan and pointed out where the property is located. The Planning Commission recommended that the City Council amend the General Plan and rezone the area as requested. He reviewed the “Findings” that were submitted by the Planning Commission.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Anne Martinez** (630 Ramsgate Road) said she was concerned that the OP zone was passed for a particular piece of property. The Council should consider that dream homes were built abutting the property. She felt the proposed use would be better suited for Main Street properties north of the S-curve.

**Matt Poulsen** (1732 North Main) said if the zone change is approved, it may comprise the time that was spent creating the NMU zone which includes strict buffering requirements. He is also concerned that the traffic in the area will increase if the request is approved. He said he is in favor of a traffic light at the Somerset Street intersection.

**Patricia Anderson** (671 Somerset Street) said it is difficult for her to apply the zone to this piece of property. She spoke on behalf of the other residents in her area who are concerned about how the UDOT property will be used in the future.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Mayor Harbertson** said the City Council’s reasons for creating a zone for this particular piece of property match the findings that were given by the Planning Commission. The intersection changed the dynamics of the entire area so the City has tried to create a zone that will allow a commercial use that appears to be residential. The zone may also be used in other areas of the City. He said it is not likely that the UDOT property will be used for a park-and-ride since the property value increased as a result of the rezone. UDOT will likely sell the property to a developer in the future.



**Sid Young** said the NMU zone has not been compromised since the OP zone will require buildings along Main Street to have a residential appearance.

### **Motion**

**David Hale** moved that the City Council adopt **ORDINANCE NO. 2006-, AN ORDINANCE AMENDING THE FARMINGTON CITY COMPREHENSIVE GENERAL PLAN BY DESIGNATING THAT CERTAIN AREA IN THE GENERAL VICINITY OF NORTH MAIN STREET, SOUTH MOUNTAIN ROAD, NORTHRIDGE ROAD, AND U.S. 89 FROM “PUBLIC/PRIVATE RECREATION OPEN SPACE AND/OR PARKS VERY LOW DENSITY” AND “LOW DENSITY RESIDENTIAL” TO “OFFICE/PROFESSIONAL PARK”, AND TO FURTHER REZONE THE SAME FROM “LR-F” AND “A-F” TO “OP-F”**. The Ordinance shall be effective when the site plan and conditional use permit are issued and when an agreement is executed between Farmington City and UDOT. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **Findings**

The motion is consistent with the General Plan for the following reasons:

a. The text of the 1993 General Plan did not specifically contemplate the interchange that now exists near the subject area. Apparently there wasn't even a design available to discuss the matter as part of the 1993 plan. Nevertheless, paragraph 2 of Chapter 11 of that plan did offer the following: “There is no doubt that provision needs to be made for the diverging highways in the vicinity of the Cherry Hill/North Farmington junction. However, the design solution should provide for adequate access between east and west Farmington by providing a connection between Main Street and 1875 North and should be sensitive to the unique character of the area”. The 1993 Future Land Use Plan Map identified the subject area for “Low Density Residential Uses”. Land once occupied by the old Utah State Agriculture property were designated “Agriculture Preservation/Very Low Density”.

Few people, if any, anticipated the multi-million dollar interchange that exists today. Chapter 1 of the General Plan states, among other things: “The importance of the General Plan as a policy document to guide future development in the City should be emphasized. The Plan sets the direction which the City should take but should be flexible enough to adapt to changing conditions. It should be understood that, once adopted, the Plan is not static but should evolve as the community evolves. The economy, new administrations, and unforeseen events may affect the Plan. For this reason, it should be reevaluated from time to time to insure its relevancy.” The passage of time, coupled with the construction of the existing interchange, which represents an unforeseen event, should dictate a re-evaluation of the General Plan and a change in the Future Land Use Map portion

of said plan.

b. The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. The amendment, rezone and zone text change will limit commercial creep down north Main from the Cheery Hill/US 89 Interchange thus helping maintain Farmington as a peaceful, family-oriented, pastoral community through enforcing strict Zoning Ordinances and covenants, architectural standards, and density restrictions.

c. The action will lead to further the goal to plan growth carefully and to preserve an open, uncongested City.

d. The action will help improve and broaden the City's economic base, reducing to some extent the heavy dependency on property taxes while preserving fiscal integrity, avoiding waste, and supporting the non-economic values of the community.

e. It will help attract quality commercial enterprises to pre-selected sites to maximize the economic benefits possible while minimizing congestion, noise and unsightliness.

f. The action will advance the following goals and policies contained in Chapter 11 of the General Plan:

1) COMMUNITY GOAL: Encourage orderly growth and development, including appropriate commercial development, in a manner that:

- promotes the Community in a positive, progressive manner;
- supports other Community-identified goals and objectives;
- provides a compatible and complementary arrangement and mix of land uses;
- enhances economic development opportunities and foster the creation of family-supporting, higher-than-average paying employment opportunities;
- promotes a stable and diverse tax base; and
- promotes the efficient and cost-effective delivery of services and utilities; and

2) COMMUNITY GOAL: Maintain Community land use plans, policies and regulations that encourage and support commercial development in a manner that balances private property rights and values with the general health, safety and welfare interests of all Farmington residents.

3) COMMUNITY GOAL: Maintain Community land use plans, policies and regulations that encourage and support a variety of commercial development opportunities and land uses. Within the context of broader Community goals and objectives, the City supports the development of project/area-specific commercial development and land use plans tailored to the

unique characteristics of a site or location.

4) *Community Policy:* Where not in conflict with other Community goals and policies, commercial development will be encouraged at major intersections and along major thoroughfares. However, commercial development will not be allowed to spread indiscriminately along major streets. In addition, primary access to commercial development will not be through residential streets or neighborhoods.

5) *Community Policy:* Expansion of commercial areas will occur in a careful and controlled manner in order to minimize its impact on residential development and maintain the rural residential character of the Community.

6) *Community Policy:* Farmington City will encourage commercial growth and development to occur in visually appealing, well-designed nodes.

**FOLLOW-UP TO PREVIOUSLY HELD PUBLIC HEARING: CONSIDERATION OF PROPOSED ORDINANCE AMENDING CHAPTER 5 OF TITLE 6 “SEXUALLY ORIENTED BUSINESSES” (Agenda Item #8)**

**Mayor Harbertson** said the City has made the Ordinance as restrictive as is allowed by law.

**Motion**

**David Hale** moved that the City Council adopt **ORDINANCE NO. 2006-40, AN ORDINANCE AMENDING AND RECODIFYING CHAPTER 5 OF TITLE 6 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING SEXUALLY ORIENTED BUSINESSES AND EMPLOYEE LICENSING FOR SUCH BUSINESSES**. **Larry Haugen** seconded the motion. A roll call vote was taken which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING CHAPTER 34 OF THE ZONING ORDINANCE PERTAINING TO SEXUALLY ORIENTED BUSINESSES (Agenda Item #9)**

**Mayor Harbertson** said the Ordinance is being amended to allow the zoning within the LM&B zone which is located south of Glovers Lane.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Public Hearing Closed**

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

### **Motion**

**Rick Dutson** moved that the City Council adopt **ORDINANCE NO.2006-41, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL AMENDING CHAPTER 34 OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING SEXUALLY-ORIENTED BUSINESSES**. **Paula Alder** seconded the motion, which passed by unanimous vote.

The City Council agreed to consider Agenda Item #12 prior to Agenda Item #10.

### **REQUEST OF CITY COUNCIL MEMBERS GENERAL OPINION OF FEASIBILITY TO AMEND CITY'S GENERAL PLAN NORTH OF PARK LANE AND SOUTH OF BURKE LANE IN WEST FARMINGTON TO PERMIT RESIDENTIAL SINGLE FAMILY DEVELOPMENT - HELGE NILSON (Agenda Item #10)**

**Rick Johansen** spoke on behalf of himself and the Nilson family. He explained their request to amend the City's General Plan to allow them to sell their property to developers who may be interested in developing the property into single family lots. He said the land use plan is meant to be flexible. He referred to the letter that was submitted by former Mayor Greg Bell who stated that "the City made a good faith promise not to detract from the residential nature of the Nilsen and Johansens properties."

**Mr. Johansen** said the families will be put in a hardship situation if they are not allowed to develop the property since the property will be undesirable if the office park is developed.

**Mike Romney** said when Mayor Bell was in office, the Council committed to do their best to allow the property to have a residential use that would buffer the residents from the business park.

**Mayor Harbertson** explained that the current Council can not be bound by promises made by prior Councils. He then invited each Council member to express their opinion of amending the General Plan to accommodate a residential subdivision on the Johansen and Nilson properties located south and adjacent to Burke Lane in west Farmington. Mayor Harbertson reminded the audience that the statements made by each council member should be considered non-binding. They are opinions only and not a vote since no formal application for changing the General Plan has been submitted.

**Larry Haugen** said many things have changed since the property was considered by former Mayor Bell and his Council. The City needs a tax base to prevent taxes from increasing.

He is opposed to going against the work that has been done over the past five years.

**David Hale** said he is against amending the General Plan at this time since **Rich Haws** has found a financial partner. He would like to meet and work with the Station Park development team prior to considering any changes to the Plan.

**Sid Young** said he would like to work with the property owners as much as possible but is opposed to altering the General Plan at this time. He said the property value would increase significantly if it were marketed with a commercial use.

**Rick Dutson** said the situation is unfortunate. He is confident that the new Station Park group will create a development that will reward the entire area. He would like for events to proceed before considering amending the General Plan.

**Paula Alder** said she would like additional information before considering whether the plan should be changed.

In response to a question, **Mayor Harbertson** said the time line for the development of Station Park is not yet known. He said a road will be constructed between Station Park and the Woodside Homes development which will boost the property values in the area.

**Liz Nilsen** said they were concerned about the Station Park development but the former Council encouraged them to continue building their dream homes. To allow additional residential properties should not effect the Master Plan for the area.

**Max Forbush** said there are investors who are interested in the adjacent properties. When the road is built, the property values in the area will increase.

**Liz Nilsen** said they will lose the value of their residential dwellings if they sell the land to commercial developers. She asked when the road will be constructed.

**Max Forbush** said although Woodside Homes and Rich Haws are anxious to proceed with the road, they will need to wait for the environmental study to be done before the road can be started.

**Mayor Harbertson** said the property owners have the right to approach the Planning Commission to obtain their feedback.

**Rick Johansen** asked if it would be an option to trade properties to accommodate the property owners as well as the business park.

**Bob McRae** (1871 West Frontier Circle) said the Land Use Plan for the west side of the City is broad. It may be feasible to trade properties and still obtain the same acreage for the

business park.

**John Kraczek** (1037 South 650 West) said the properties should be allowed to be included in the adjacent residential area. The General Plan is not meant to be concrete.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)**

**David Hale** moved that the City Council approve the following items by consent as follows:

11-1. Ratification of Construction Bond Agreements previously signed by the Mayor.

11-2. Approval of May's list of disbursements.

11-3. Approval of administrative contract for COBRA compliance with Jupiter COBRA Administrators, LLC. As the Utah Local Governments Trust was the third-party administrator for the PEHP Health Insurance presently covering City employees, so is Jupiter COBRA Administrators, LLC, the third party organization that works with the City's new insurance carrier, IHC.

11-4. Approval of appointment of two members of the Governing Body to review Special Fire Code pertaining to fire sprinkling on residential properties. This was discussed at a meeting earlier. It is appropriate that two members of the Governing Body meet with the Fire Chief, Paul Hayward, David Petersen, Eric Miller, and Max Forbush to evaluate what, if anything, ought to be done with the existing special provisions of the fire code pertaining to fire sprinkling.

11-5. Assignment to Paula Alder and Larry Haugen to interview applicant for appointment to City's Arts Council.

11-6. Ratify City Manager's signature and grant approval of contract with Builderadius for computer software for Community Development Department. There is a \$20,000 allocation in the current budget for purchasing new software for the City's Building and Planning functions. The software that has been selected was developed by Builderadius. The Community Development Department has reviewed many software programs and have selected this as their software preference. The City Manager recommends approval.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**RESOLUTION TO AMEND THE CITY'S CONSOLIDATED FEE SCHEDULE TO ENACT PERMIT FEE FOR SEXUALLY ORIENTED BUSINESSES (Agenda Item #12)**

**Mayor Harbertson** explained that the Resolution is a companion document to the

Ordinance amending Title 6 Chapter 5 of the City Code. The Ordinance refers to the City establishing permit fees for sexually oriented businesses.

**Motion**

**Sid Young** moved that the City Council amend the Consolidated Fee Schedule as outlined in the proposed Resolution. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**AGREEMENT BETWEEN CITY AND KIRK PETERSEN SETTING FORTH FINDINGS FOR REDUCTION OF STORM WATER IMPACT FEE ON RESIDENTIAL PERMIT FEE AND CONSIDERATION OF EXCHANGING VALUE OF SAID FEES FOR VALUE OF A STORM WATER EASEMENT ACROSS PETERSON'S PROPERTY (Agenda Item #13)**

**Mayor Harbertson** said the Agreement has not been reviewed by **Mr. Petersen**. He suggested that the Council approve the Agreement as written in the event it is approved by **Mr. Petersen**.

**Motion**

**Rick Dutson** moved that the City Council adopt the Agreement between **Farmington City** and **Kirk Petersen** and authorize the Mayor to sign the same as written. **Paula Alder** seconded the motion, which passed by unanimous vote.

**MEMORANDUM OF UNDERSTANDING BETWEEN CITY AND UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS PERTAINING TO COMPENSATION OF COSTS FOR CITY'S FIRE DEPARTMENT TO HELP FIGHT FIRES ON STATE OR FEDERAL LANDS AND TO RESPOND TO AN COMPENSABLE INCIDENT WHERE FEMA, STATE OF FEDERAL DOLLARS WOULD PROVIDE REIMBURSEMENT (Agenda Item #14)**

**Larry Gregory** said he has been instructed by his counterparts at the Utah Division of Forestry Fire and State Lands to have the agreement signed in order for the City to qualify for reimbursement in the event the Fire Department assists in fighting a fire on Federal or State lands. Although the City does not meet the "red card" requirement, they could be placed in other functions.

**Motion**

**Rick Dutson** moved that the City Council approve the Agreement between **Farmington City Fire Department** and the **State of Utah, Department of Natural Resources, Division of Forestry, Fire and State Lands**. **Larry Haugen** seconded the motion, which passed by

unanimous vote.

The City Council agreed that the decision relating to destinations where open fires are permitted or fire works restricted should be made by Fire Chief and not the City Council. It was suggest that an ordinance be proposed to permit regulation of fire hazards by the Fire Chief.

**PROPOSED AMENDMENTS TO COUNTY ANIMAL CONTROL ORDINANCE  
(CONCEPTUAL DISCUSSION ONLY) (Agenda Item #15)**

The City Council discussed the proposed Animal Control Ordinance.

**David Hale** suggested that the liability coverage be based on the type of animal being covered. He suggested a minimum of \$300,000 in liability coverage and \$10,000 in guest medical coverage as a protection to the public from these types of animals.

**Rick Dutson** said it is difficult to single out certain breeds of dogs. It is better to focus on animal owners who choose to be irresponsible with certain types of dogs.

**Max Forbush** said it has been the experience of Animal Control that 90% of the problems associated with “potentially dangerous”, “dangerous” and “public nuisance” animals is irresponsible animal owners that fail to license, vaccinate and keep in control animals they own. In the event an animal is picked up, Animal Control will not release the animal until certificate of insurance has been provided.

**David Hale** said if an animal is picked up by Animal Control and required to have insurance coverage, the owner will likely have to obtain substandard insurance which can be costly. The City Manager was asked to have the City attorney’s prepare amendments to the Animal Control ordinance for consideration.

**RESOLUTION SETTING FORTH POLICIES PERTAINING TO THE RENTAL OF  
CITY-OWNED PORTABLE BOOTHS (Agenda Item #16)**

**Mayor Harbertson** reviewed the following booth rental requirements for City-owned portable booths:

1. An application for booth rental is required by all participants wanting to use the same for fund raising for non-City purposes.
2. A fee for rental of the booth is set at \$45 per event not to exceed three days.
3. City-sponsored committees or others raising fees that substantially and directly benefit the City are exempt and don not have to pay the fee.

**Max Forbush** agreed to research whether the fee is for the use of the portable booth or for the use of the space.



**Motion**

**Rick Dutson** moved that the City Council adopt **RESOLUTION 2006-, RESOLUTION ESTABLISHING BOOTH RENTAL FEES DURING FARMINGTON CITY SPECIAL EVENTS**. **Paula Alder** seconded the motion, which passed by unanimous vote.

**AUTHORIZATION TO MAKE FINAL PURCHASE OFFER TO ACQUIRE PROPERTY OWNED BY VAL SCHULTHIES AT 74 SOUTH MAIN STREET IN FARMINGTON (Agenda Item #17)**

**Mayor Harbertson** explained that there is a possibility of expanding the City's Main Park northward of the Community Center. There is a property owner in the area named **Val Schulthies** who is willing to sell both pieces of his property for \$415,000. He pointed out where **Mr. Schulthies'** property is located. One of the properties could be sold to a different buyer. The parcel the City is interested in was formerly owned by Maxine Schulthies. If the home by the property could be resold by the City \$200,000, the net cost of the remnant land would be approximately \$28,000.

**Motion**

**Paula Alder** moved that the City Council authorize the Mayor and City Manager to negotiate a final cost in making an offer to purchase the property owned by Val Schulthies located at 74 South Main Street in Farmington in the amount of \$228,349.28. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**MAYOR HARBERTSON REPORT - MEETING WITH YOUTH TO DISCUSS BMX TRACK POTENTIAL AND OTHER ITEMS (Agenda Item #18)**

**Mayor Harbertson** said he met with the young men who were interested in creating a BMX track. Different areas were discussed where the track could be located. The preferred location was behind the Davis School District bus compound.

**Mayor Harbertson** said he also attended a Relay for Life meeting. An amendment to the Park Rules and Ordinance would need to be adopted in order for the event to be held at Shepard Park beyond 11 pm since the Ordinance prohibits park occupancy beyond 11 pm.

**CITY COUNCIL REPORTS (Agenda Item #19)****Larry Haugen Report**

- **Council Member Haugen** attended a meeting between Nathan Rich, Executive

Director of the Burn Plant District and Mayor Harbertson, Max Forbush and Walt Hokanson. Walt Hokanson reported he knows a place where it can be dumped for \$10.00 per load. Mr. Rich suggested the City look elsewhere to dump the City's street sweeping waste rather than the District Land Fill. The Burn Plant has decreased the City's allotted certificates from 100 to 10. A new facility was built near the dump to sort the waste before it is sent to the land fill.

### **Sid Young Committee Report**

- **Council Member Young** said according to a newspaper article, Farmington Pond was not on the DWR list of municipal fisheries to be stocked. He was told that there are no fish in the pond.
- **Council Member Young** reported that the Cities of Leagues and Towns would like the City to meet with their legislators prior to the next meeting. The League would like to be informed if cities plan to raise a legislative issue.

### **Rick Dutson Report**

- **Council Member Dutson** reviewed a layout that was created by EDA Architects for the Farmington City offices. It incorporates the museum as part of City Hall.

### **MISCELLANEOUS**

**Max Forbush** passed out copies of a letter the Mayor received from **Woody Whitlock** who requested that the age division classifications for the Festival Days races be extended to include participants in their 60's and 70's.

**Mr. Forbush** recommended that the road overlay project at Fox Glove Road be eliminated and that the road overlayment for Somerset be reduced since the road budget just adopted has been exceeded. The price of asphalt has raised 40-60%. Hence, City repaving projects will need to be cut back. Also, the City Engineer's office recommending that the charge to subdividers for slurry seal will not be adequate. A change in the fee schedule is recommended.

**Mr. Forbush** passed out letters that were submitted by **Paul Hirst** of CRS Engineers. **Mr. Hirst** requested an additional \$3,000 in engineering fees to continue to meet with UDOT, UTA, and the Station Park developers to keep the project moving forward. The scope of work on the project was extended. He also requested an additional \$3,600 for engineering work to be done on the traffic signalization at Park Lane and 1100 West. **Mr. Forbush** recommended approving the amounts requested. **Mr. Hirst** informed **Mr. Forbush** that CRS plans to perform the surveys for CenterCal but will not perform their engineering work in an effort to avoid potential conflict. The surveying work was previously authorized by the City Council.

**Motion**

**David Hale** moved that the City Council increase the CRS engineering budget by \$6,600 to cover the costs explained by the City Manager. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**CLOSED MEETING**

At 10:50 p.m. a motion was made by **Sid Young** and seconded by **Larry Haugen** to go into a closed meeting for the purpose of discussing strategy as it pertains to pending litigation. The motion passed by all members of the City Council voting affirmatively.

A motion to go back into open session was made by **Rick Dutson** with a second by **David Hale**. The motion passed with a unanimous vote.

**SWORN STATEMENT**

I, Scott C. Harbertson, Farmington City Mayor, to hereby affirm that the sole purpose for closing the City Council meeting was to discuss strategy as it pertained to pending litigation.

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Scott C. Harbertson, Mayor

**ADJOURNMENT**

There being no further business to discuss and upon motion by **David Hale** with a second by **Larry Haugen**, the meeting was adjourned at 11:00 p.m

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Margy Lomax, City Recorder  
Farmington City